

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 CHARLES M. MCCARTHY JR.,)
12 Plaintiff(s),) No. C05-4834 BZ
13 v.) **REMAND ORDER**
14 LINDA S. McMAHON, Acting)
15 Commissioner of Social)
16 Security Administration,)
17 Defendant(s).)
_____)

18 It is **HEREBY ORDERED** as follows:

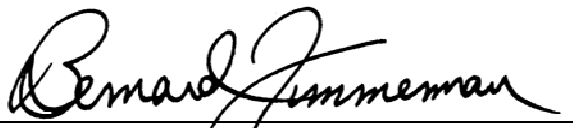
19 1. This matter, bearing the numbers C97-0272 and
20 C05-4834, is **REMANDED** to the defendant, Commissioner of Social
21 Security, to conduct further proceedings in accordance with
22 the opinion of the Ninth Circuit in McCarthy v. Apfel, 221
23 F.3d 1119 (9th Cir. 2000).

24 2. The ALJ's decision of February 27, 2004, made final
25 by the Commissioner's notice of refusal to disturb the
26 decision, dated September 28, 2005, is **VACATED** pending
27 completion of the proceedings ordered in paragraph 1. The
28 pending cross-motions for summary judgment based on that

1 decision are taken off calendar, and may be re-noticed
2 following completion of the proceedings ordered in paragraph 1
3 should claimant wish to seek review of the Commissioner's
4 actions.

5 3. The Commissioner shall expedite all further
6 proceedings in this matter. Plaintiff and his counsel shall
7 cooperate in bringing such proceedings to a fair and
8 expeditious conclusion. In the event proceedings are not
9 completed by **September 1, 2007**, the Commissioner shall file a
10 report on the status of the proceedings and an estimate of
11 when they will be completed.

12 Dated: February 7, 2007



Bernard Zimmerman
United States Magistrate Judge

13
14
15 G:\BZALL\BZCASES\MCCARTHY\FINAL.REMAND.ORDER.BZ VERSION.wpd
16
17
18
19
20
21
22
23
24
25
26
27
28